

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
THE ARMY, *et al.*,**

Defendants.

Civil Action No. 18-1551 (ESH)

ORDER

As discussed at the status conference held on October 21, 2019, it is hereby

ORDERED that by **November 4, 2019**, defendants will provide plaintiffs and the Court with the following information regarding the approximately 692 individuals who received negative MSSR notifications pursuant to ¶ 3 of the October 26, 2018 policy:

- (1) How many are DTPs? How many are DEPs?; and
- (2) What were the responses to the notifications in each group (*i.e.*, mitigating information provided, negative MSSR accepted, no response, or notification marked undeliverable); it is further

ORDERED that by **November 4, 2019**, defendants will provide plaintiffs and the Court with the following information regarding the approximately 67 individuals who received notifications pursuant to ¶ 5 of the October 26, 2018 policy:

- (1) How many are DTPs? How many are DEPs?; and
- (2) What were the responses to the notifications in each group (*i.e.*, accepted reinstatement, declined reinstatement, did not respond, or notification marked

undeliverable).

Defendants will also provide plaintiffs with the names of all DTP individuals who either did not respond to such notification or for whom the notification was marked undeliverable; it is further

ORDERED that by **November 20, 2019**, defendants shall send notifications offering reinstatement for the purposes of receiving process to the group of approximately 20 DTPs who the Army says have received both USAREC and USARC discharge orders for non-MSSD reasons; it is further

ORDERED that **at least five (5) days** prior to sending any “Phase 2” letters initiating involuntary separation to individuals whose initial notifications were marked undeliverable or who did not respond to their initial notification under ¶ 3 of the October 26, 2018 policy, defendants will send the names of the individuals who will receive such letters to plaintiffs’ counsel. This applies to the initial group of fourteen who are to be notified of a negative MSSD, as well as any subsequent group receiving such letters. Plaintiffs’ counsel will provide contact information, if they have it, for any of the individuals identified; and it is further

ORDERED that counsel for both parties will next appear before the Court on **January 21, 2020, at 10:30 a.m.** for a joint status conference with counsel in *Nio v. United States Department of Homeland Security*, Docket No. 17-cv-998.



Ellen S. Huvelle

ELLEN S. HUVELLE
United States District Judge

Date: October 22, 2019